

# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 04/20/2009


(Per: CMH)


### **Compile Draft – Appendix H** **... Part 02 of 03**


A  The 2009 drafting file for  
LRB-2519


E  The 2009 drafting file for  
LRB-2680


B  The 2009 drafting file for  
LRB-2551

F  The 2009 drafting file for  
LRB-2686

C  The 2009 drafting file for  
LRB-2566

G  The 2009 drafting file for  
LRB-2687

D  The 2009 drafting file for  
LRB-2522

H  The 2009 drafting file for  
LRB-2556 (as an insert)

**2009 LRB-2556** has been copied/added to the drafting file for

**2009 LRB-2697**



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2556/P1 P2  
JTK:nwn:md

Fri 4/17 10:30AM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA✓  
X-ref✓

(regenerate)

1 AN ACT ~~to repeal~~ 108.04 (7) (s) 2. c.; ~~to amend~~ 20.445 (1) (n), 20.445 (1) (nb),  
2 20.445 (1) (nd), 20.445 (1) (ne), 108.04 (2) (a) (intro.), 108.04 (7) (c), 108.04 (7)  
3 (h), 108.04 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.141 (1) (a) and  
4 (b) 2. and 108.161 (4) (c); ~~to repeal and recreate~~ 108.04 (7) (s) 2. b., 108.141  
5 (1) (e), 108.141 (1) (f), 108.141 (5) and 108.161 (3e); and ~~to create~~ 20.445 (1)  
6 (ng), 108.04 (2) (am), 108.04 (7) (s) 1. bn. and d. to f., 108.04 (7) (t), 108.06 (7),  
7 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:** eligibility  
8 for unemployment insurance benefits <sup>and</sup> payment of extended benefits  
9 expenditure of special federal financial assistance moneys, and making  
10 appropriations.

**Analysis by the Legislative Reference Bureau**

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

**Part-time work**

Currently, with certain exceptions, a claimant is eligible to receive benefits for any week in which the claimant earns no wages only if the claimant is able to work

and available for work during that week. If a claimant limits his or her available hours so that he or she is only available for part-time work in a given week, the claimant may become ineligible to receive benefits for that week. This bill provides that a claimant who is otherwise eligible for benefits does not become ineligible solely because the claimant seeks, applies for, or accepts only part-time work, provided that the claimant engaged in part-time work, consisting of not more than 32 hours per week, for a majority of weeks in his or her base period (the period preceding a claim during which benefit rights accrue) and the claimant is available for part-time work of at least 20 hours per week.

### **Voluntary termination of employment**

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a ~~member of a~~ family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship ~~and~~ includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order ~~or~~ by a report of a law enforcement agency ~~or~~ evidence provided by a licensed health care professional or an employee of a shelter. <sup>domestic violence</sup>

The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place. <sup>rights to</sup>

### **Approved training in high-demand occupations**

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides that if a claimant has exhausted all other benefits, is enrolled in and making satisfactory progress in an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits ~~while enrolled in approved training~~, and is not receiving any stipends or training allowances for nontraining costs is entitled to an additional benefits of up to 26 weeks at the same benefit rate that applied to the claimant during <sup>currently</sup>

<sup>(period preceding a claim during which benefit rights accrue)</sup> The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. <sup>with certain exceptions</sup>

his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

#### PAYMENT OF EXTENDED BENEFITS

17  
Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment beginning on or after February 1, 2009, and ending with the last week beginning in 2009, and, for claimants who begin a benefit year before that date, ending with the last week ending before June 1, 2010. In addition, during periods of exceptionally high unemployment in this state, ~~as defined in the bill~~, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these ~~extended~~ <sup>that begin</sup> benefits and to enable full participation by this state in federal cost sharing for these <sup>additional</sup> benefits.

*under the federal legislation,*

#### EXPENDITURE OF SPECIAL FEDERAL ASSISTANCE MONEYS

*administration of*  
Currently, ~~state~~ unemployment insurance and employment assistance programs are funded with federal revenue. This bill appropriates special federal financial assistance that may be received by this state under recent federal legislation for the purpose of administering the provisions of this bill that carry out the purposes of recent special federal legislation, for outreach to individuals who may be eligible to receive regular benefits by virtue of those provisions, for the improvement of unemployment insurance benefit, contribution (tax), and reimbursement administration, and to provide staff-assisted reemployment services to claimants.

*space*

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1 SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
- 2 the following amounts for the purposes indicated:

2007-08 2008-09

**20.445 Workforce development, department of****(1) WORKFORCE DEVELOPMENT**

(ne) Unemployment administration;				
bank service costs	PR	A	-0-	-0-
(ng) Unemployment administration;				
special federal assistance; reem-				
ployment services	PR	A	-0-	-0-

**SECTION 2.** 20.445 (1) (n) of the statutes is amended to read:

20.445 (1) (n) *Employment assistance and unemployment insurance administration; federal moneys.* All federal moneys received, as authorized by the governor under s. 16.54, for the administration of employment assistance and unemployment insurance programs of the department, for the performance of the department's other functions under subch. I of ch. 106 and ch. 108, except moneys appropriated under ~~par. pars. (na) to (nf)~~, and to pay the compensation and expenses of appeal tribunals and of employment councils appointed under s. 108.14, to be used for such purposes, except as provided in s. 108.161 (3e), ~~and, from the moneys received by this state under section 903 (d) of the federal Social Security Act, as amended, to transfer to the appropriation account under par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), to transfer to the appropriation account under par. (nd) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule~~

1 ~~under par. (nd), and to transfer to the appropriation account under par. (ne) an~~  
2 ~~amount determined by the treasurer of the unemployment reserve fund not~~  
3 ~~exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amount~~  
4 ~~required to pay for the cost of banking services incurred by the unemployment~~  
5 ~~reserve fund.~~

6 SECTION 3. 20.445 (1) (nb) of the statutes is amended to read:

7 20.445 (1) (nb) *Unemployment administration; information technology*  
8 *systems.* From the moneys received from the federal government under section 903  
9 (d) of the federal Social Security Act, as amended, as a continuing appropriation, the  
10 amounts in the schedule, as authorized by the governor under s. 16.54, for the  
11 purpose specified in s. 108.19 (1e) (d). ~~All moneys transferred from par. (n) for this~~  
12 ~~purpose shall be credited to this appropriation account.~~ No moneys may be expended  
13 from this appropriation unless the treasurer of the unemployment reserve fund  
14 determines that such expenditure is currently needed for the purpose specified in s.  
15 108.19 (1e) (d) and the total amount of the expenditure does  
~~not exceeding~~ the lesser of the amount specified in s. 108.161 (4) (d)  
16 or the amounts in the schedule.

17 SECTION 4. 20.445 (1) (nd) of the statutes is amended to read:

18 20.445 (1) (nd) *Unemployment administration; apprenticeship.* From the  
19 moneys received from the federal government under section 903 (d) of the federal  
20 Social Security Act, as amended, the amounts in the schedule, as authorized by the  
21 governor under s. 16.54, to be used for administration by the department of  
22 apprenticeship programs under subch. I of ch. 106. ~~All moneys transferred from par.~~  
23 ~~(n) for this purpose shall be credited to this appropriation account.~~ No moneys may  
24 be expended from this appropriation unless the treasurer of the unemployment

1 reserve fund determines that such expenditure is currently needed for the purpose  
2 specified in this paragraph.

3 SECTION 5. 20.445 (1) (ne) of the statutes is amended to read:

4 20.445 (1) (ne) *Unemployment administration; bank service costs.* From the  
5 moneys received by this state under section 903 (d) of the federal Social Security Act,  
6 as amended, ~~all moneys transferred from the appropriation account under par. (n)~~  
7 as a continuing appropriation,  
8 the amounts in the schedule to be used for the payment of the cost of banking services  
9 incurred by the unemployment reserve fund. No moneys may be expended from this  
10 appropriation unless the treasurer of the unemployment reserve fund determines  
11 that such expenditure is currently needed for the purpose specified in this  
12 paragraph.

12 SECTION 6. 20.445 (1) (ng) of the statutes is created to read:

13 20.445 (1) (ng) *Unemployment administration; special federal assistance;*  
14 *reemployment services.* From the moneys received from the federal government  
15 under section 903 (g) of the federal Social Security Act, as amended, as a continuing  
16 appropriation, the amounts in the schedule, as authorized by the governor under s.  
17 16.54, to be used for administration of the provisions of state law enacted to carry out  
18 the purposes of section 2003 of P.L. 111-5, for outreach to individuals who may be  
19 eligible for regular unemployment insurance benefits by virtue of the provisions of  
20 ch. 108 enacted to carry out the purposes of section 2003 of P.L. 111-5, for the  
21 improvement of unemployment insurance benefit, contribution, and reimbursement  
22 administration, and to provide staff-assisted reemployment services to benefit  
23 claimants.

24 SECTION 7. 108.04 (2) (a) (intro.) of the statutes is amended to read:

1 108.04 (2) (a) (intro.) Except as provided in ~~par. pars. (am)~~ and (b) and as  
2 otherwise expressly provided, a claimant is eligible for benefits as to any given week  
3 for which he or she earns no wages only if:

4 SECTION 8. 108.04 (2) (am) of the statutes is created to read:

5 108.04 (2) (am) A claimant who is otherwise eligible for benefits is not ineligible  
6 solely because the claimant seeks, applies for, or accepts only part-time work,  
7 provided that the claimant engaged in part-time work, consisting of not more than  
8 32 hours per week, for a majority of the weeks in his or her base period and the  
9 claimant is available for part-time work for at least 20 hours per week.

✓ 10 SECTION 9. 108.04 (7) (c) of the statutes is amended to read:

11 108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
12 the employee terminated his or her work but had no reasonable alternative because  
13 the employee was unable to do his or her work or because of the health verified illness  
14 or disability of a member of his or her immediate family and the verified illness necessitates the  
15 care of the family member for a period of time that is longer than the employer is  
16 willing to grant leave; but if the department determines that the employee is unable  
17 to work or unavailable for work, the employee is ineligible to receive benefits while  
18 such inability or unavailability continues. ✕

✓ 19 SECTION 10. 108.04 (7) (h) of the statutes is amended to read:

20 108.04 (7) (h) The department shall charge to the fund's balancing account  
21 benefits paid to an employee that are otherwise chargeable to the account of an  
22 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
23 if the employee voluntarily terminates employment with that employer and par. (a),  
24 (c), (d), (e), (k), (L), (o), (p), (q), ~~or~~ (s), or (t) applies. ✕

✓ 25 SECTION 11. 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

that the employee terminated  
his or her work ↑

plain  
man

reasonably



108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family or adult household member against another family or household member; by an adult person against his or her spouse or former spouse; ~~or by an adult person against a person with whom the person has a child in common; or by an adult person against an unrelated adult person with whom the person has had a personal relationship.~~

b. "Family member" means a spouse, parent, child or person related by consanguinity blood or adoption to another person.

SECTION 12. 108.04 (7) (s) 1. bn. ~~and~~ of the statutes are created to read:

108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s. 180.1901 (1m).

d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b). ~~and includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).~~

e. "Protective order" means a temporary restraining order or an injunction ~~issued under s. 813.12, 813.122, 813.123, 813.125, or 813.127, or a foreign protection order recognized under s. 813.128.~~ by a court of competent jurisdiction.

~~f. "Shelter" has the meaning given in s. 6.47 (1) (e).~~

SECTION 13. 108.04 (7) (s) 2. a. of the statutes is amended to read:

108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns about personal safety or harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members; and

SECTION 14. 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

108.04 (7) (s) 2. b. Provides to the ~~the~~ department a protective order relating to the domestic abuse or concerns about personal safety or harassment issued by a court of competent jurisdiction, a report by a law enforcement agency documenting

1 the domestic abuse or concerns, or evidence of the domestic abuse or concerns  
2 provided by a health care professional or an employee of a shelter. *domestic violence*

3 **SECTION 15.** 108.04 (7) (s) 2. c. of the statutes is repealed. ✓

4 **SECTION 16.** 108.04 (7) (t) of the statutes is created to read:

5 108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
6 the employee's spouse changed his or her place of employment to a place to which it  
7 is impractical to commute and the employee terminated his or her work to  
8 accompany the spouse to that place. ✓

9 **SECTION 17.** 108.06 (1) of the statutes is amended to read:

10 108.06 (1) Except as provided in ~~sub.~~ *subs.* (6) and (7) and ss. 108.141 and  
11 108.142, no claimant may receive total benefits based on employment in a base  
12 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
13 or 40% of the claimant's base period wages, whichever is lower. Except as provided  
14 in ~~sub. (6)~~ *sub. (6) and (7)* and ss. 108.141 and 108.142, if a claimant's base period wages are reduced  
15 or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),  
16 or (17), the claimant may not receive total benefits based on employment in a base  
17 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
18 or 40% of the base period wages not reduced, canceled or suspended which were paid  
19 or payable to the claimant, whichever is lower.

20 **SECTION 18.** 108.06 (7) of the statutes is created to read:

21 108.06 (7) (a) ~~Except as provided in par. (b),~~ *(c)* a claimant who has exhausted all  
22 rights to regular benefits, federal emergency compensation benefits under P.L.  
23 110-252 and P.L. 110-449, and extended benefits under s. 108.141, *who is currently*  
24 making satisfactory progress in *an approved training* ~~a program approved under s. 108.04 (16)~~ *who was enrolled in an approved*  
25 end of the claimant's benefit year established with respect to the separation that *training*  
*program*

*(a) In this subsection, "approved training program" means*  
*a training program specified in s. 108.04 (16) (a), (c) or (d).*

1 qualified the claimant for benefits under ~~s. 108.04 (16)~~ <sup>this paragraph who</sup>, and is not receiving any  
 2 stipends or training allowances for nontraining costs is entitled to additional  
 3 benefits of up to 26 weeks at the same benefit rate that applied to the claimant's most  
 4 recent benefit year if the claimant is not otherwise disqualified and if:

5 1. The claimant has been separated from employment in a declining  
 6 occupation, or involuntarily separated from employment as a result of a permanent  
 7 reduction in operations by his or her employing unit; and

8 2. The claimant is being trained for entry into a high-demand occupation.

9 (b) Any benefits paid to a claimant under this subsection may be reduced as  
 10 provided in s. 108.05 (3) and may not extend for more than one year after the end of  
 11 the claimant's benefit year established with respect to the separation that qualified  
 12 the claimant for benefits under ~~s. 108.04 (16)~~ <sup>this paragraph</sup>.

13 SECTION 19. 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

14 108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
 15 of ~~the weeks~~ <sup>each week</sup> in the individual's benefit year which ~~begin~~ <sup>begins</sup> in an extended benefit  
 16 period and, if the individual's benefit year ends within ~~such~~ <sup>that</sup> extended benefit period,  
 17 ~~any weeks~~ <sup>each week</sup> thereafter which ~~begin~~ <sup>begins</sup> a <sup>period</sup>. For weeks of unemployment  
 18 beginning on or after February 17, 2009, and ending before June 1, 2010, or the last  
 19 week for which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any  
 20 amendments thereto, whichever is later, "eligibility period" also means the period  
 21 consisting of ~~the weeks~~ <sup>each week</sup> during which an individual is eligible for emergency  
 22 unemployment compensation under P.L. 110-252 and P.L. 110-449, or any  
 23 amendments thereto, and if ~~such weeks~~ <sup>that week begins</sup> begin in an extended benefit period or if an  
 24 individual's eligibility for benefits under P.L. 110-252 and P.L. 110-449 ~~ends within~~ <sup>for any amendment</sup>  
 25 an extended benefit period, ~~any weeks~~ <sup>each week</sup> thereafter which ~~begin~~ <sup>begins</sup> in that period. <sup>thereto</sup>

(d) The occupations that constitute declining occupations and high-demand occupations shall be determined under this subsection by the department.

*Plain*  
*before*  
(b) 2. ~~His~~ Except as provided in subd. 2m, his or her benefit year having expired in the extended benefit period and prior to such week, lacks base period wages on the basis of which he or she could establish a benefit year under s. 108.06; and or

SECTION 20. 108.141 (1) (b) 2m. of the statutes is created to read:

108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17, 2009, and ending before June 1, 2010, or with the last week for which federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later, has exhausted federal emergency unemployment compensation under P.L. 110-252 and P.L. 110-449; and

SECTION 21. 108.141 (1) (dm) of the statutes is created to read:

108.141 (1) (dm) "High unemployment period" means a period during which an extended benefit period would be in effect if par. (f) 3. a. were applied by substituting an average rate of total unemployment that equals or exceeds 8 percent.

SECTION 22. 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act 1, is repealed and recreated to read:

108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period consisting of that week and the immediately preceding 12 weeks, there is not a

Wisconsin "on" indicator on sub. (1m) applies.

SECTION 23. 108.141 (1) (f) of the statutes is repealed and recreated to read:

108.141 (1) (f) ~~Except as provided in sub. (1m)~~ There is a Wisconsin "on" indicator for a week if:

1. The rate of insured unemployment for the period consisting of that week and the immediately preceding 12 weeks equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years, and equaled or exceeded 5 percent; or

1           2. The rate of insured unemployment for the period consisting of that week and  
2           the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
3           rate of insured unemployment in the 2 preceding calendar years; or

4           3. With respect to weeks of unemployment beginning on or after February 1,  
5           2009, and ending with the week ending 3 weeks prior to the last week in which  
6           federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
7           thereto:

8           a. The average rate of total unemployment, seasonally adjusted, as determined  
9           by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
10          for which data for all states are published before the close of that week equals or  
11          exceeds 6.5 percent; and

12          b. The average rate of total unemployment in this state, seasonally adjusted,  
13          as determined by the U.S. secretary of labor for the period consisting of the most  
14          recent 3 months for which data for all states are published before the close of that  
15          week equals or exceeds 110 percent of the average for either or both of the  
16          corresponding 3-month periods ending in the 2 preceding calendar years.

17          **SECTION 24.** 108.141 (5) of the statutes is repealed and recreated to read:

18          108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
19          (b) and (c), the total extended benefit amount payable to an eligible individual in his  
20          or her benefit year is the least of the following amounts:

21               1. Fifty percent of the total amount of regular benefits that were payable to the  
22               individual in the individual's most recent benefit year rounded down to the nearest  
23               dollar, including benefits canceled under s. 108.04 (5); or

24               2. Thirteen times the individual's weekly benefit amount.

(b) The amount of total extended benefits shall be reduced by the total amount of additional benefits paid or treated as paid under s. 108.142 for weeks of unemployment in the individual's benefit year that began prior to the beginning of the extended benefit period that is in effect in the week in which the individual first claims extended benefits. ✓

(c) Except as provided in par. (b), effective with respect to weeks beginning in a high unemployment period, the total extended benefit amount payable to an individual in his or her benefit year is the least of the following amounts:

1. Eighty percent of the total amount of regular benefits that were payable to the individual in the individual's most recent benefit year rounded down to the nearest dollar, including benefits canceled under s. 108.04 (5); or

2. Twenty times the individual's weekly benefit amount. ✓

SECTION 25. 108.161 (3e) of the statutes is repealed and recreated to read:

108.161 (3e) Notwithstanding sub. (3), any moneys allocated to this state under section 903 (g) of the federal Social Security Act, as amended, shall be used solely for administration of the provisions of state law enacted to carry out the purposes of section 2003 of P.L. 111-5, for outreach to individuals who may be eligible for regular benefits by virtue of the provisions of this chapter enacted to carry out the purposes of section 2003 of P.L. 111-5, for the improvement of benefit, contribution, and reimbursement operations, and to provide staff-assisted reemployment services to benefit claimants.

SECTION 26. 108.161 (4) (c) of the statutes is amended to read:

108.161 (4) (c) Specifying that the appropriated amounts are available for obligation solely within the 2 years beginning on the appropriation law's date of enactment. This paragraph does not apply to the appropriations under s. 20.445 (1)

(nb), (nd) and, (ne), and (ng) or to any amounts expended from the appropriation under s. 20.445 (1) (nb) from moneys transferred to this state on March 13, 2002, pursuant to section 903 (d) and (g) of the federal Social Security Act.

#### SECTION 27. Initial applicability.

(1) The treatment of section 108.04 (2) (a) (intro.) and (am) of the statutes first applies with respect to determinations issued under section 108.09 of the statutes on the effective date of this subsection.

(2) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., bn., d., e., ~~intro.~~ and 2. a., b., and c., and (t) of the statutes first applies with respect to terminations of employment occurring on the effective date of this subsection.

(3) The treatment of section 108.06 (1) and (7) of the statutes first applies with respect to determinations issued under section 108.09 of the statutes on the effective date of this subsection.

#### SECTION 28. Effective date.

(1) This act takes effect on the first Sunday after publication.

(END)

WS 9-19.1)

✓ Section #. 108.06 (2) (c) <sup>and</sup> (cm), (3) and (6) <sup>(intro.)</sup> of the statutes are amended to read:

108.06 (2) (c) No benefits are payable to a claimant for any week of unemployment not occurring during the claimant's benefit year except under <sup>Sub. (7) and</sup> ss. 108.141 and 108.142. ✓

History: 1971 c. 53; 1975 c. 343; 1981 c. 36; 1983 a. 8 ss. 23 to 27, 53, 55 (3), (4), (12), (13) and (14) and 56; 1983 a. 27 s. 1807m; 1983 a. 337; 1985 a. 17; 1987 a. 38, 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39; 1999 a. 15; 2001 a. 43.

(cm) If an employee qualifies to receive benefits using the base period described in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are not available for use in any subsequent benefit computation for the same employee, except under <sup>Sub. (7) and</sup> s. 108.141 or 108.142. ✓

History: 1971 c. 53; 1975 c. 343; 1981 c. 36; 1983 a. 8 ss. 23 to 27, 53, 55 (3), (4), (12), (13) and (14) and 56; 1983 a. 27 s. 1807m; 1983 a. 337; 1985 a. 17; 1987 a. 38, 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39; 1999 a. 15; 2001 a. 43.

(3) There shall be payable to an employee, for weeks ending within the employee's benefit year, only those benefits computed for that benefit year based on the wages paid to the employee in the immediately preceding base period. Wages used in a given benefit computation are not available for use in any subsequent benefit computation except under <sup>Sub. (7) and</sup> s. 108.141. ✓

History: 1971 c. 53; 1975 c. 343; 1981 c. 36; 1983 a. 8 ss. 23 to 27, 53, 55 (3), (4), (12), (13) and (14) and 56; 1983 a. 27 s. 1807m; 1983 a. 337; 1985 a. 17; 1987 a. 38, 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39; 1999 a. 15; 2001 a. 43.

(6) <sup>(intro.)</sup> If a claimant has established a benefit year prior to the effective date of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the claimant has not exhausted his or her total benefit entitlement under sub. (1) for that benefit year on that effective date, and the claimant was entitled to receive the maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that effective date, the limitation on the total benefits authorized to be paid to a claimant under sub. (1) does not apply to that claimant in that benefit year. Unless <sup>Sub. (7) or</sup> s. 108.141 or 108.142



Fr 59-19.2

applies, the claimant's remaining benefit entitlement in that benefit year for the period beginning on that effective date shall be computed by:

(a) Subtracting the total benefits received by the claimant prior to that effective date from the claimant's maximum benefit entitlement established prior to that effective date under sub. (1);

(b) Dividing the result obtained under par. (a) by the maximum weekly benefit rate that was in effect prior to that effective date; and

(c) Multiplying the result obtained under par. (b) by the weekly benefit rate which is payable to the claimant under s. 108.05 (1) after that effective date.

History: 1971 c. 53; 1975 c. 343; 1981 c. 36; 1983 a. 8 ss. 23 to 27, 53, 55 (3), (4), (12), (13) and (14) and 56; 1983 a. 27 s. 1807m; 1983 a. 337; 1985 a. 17; 1987 a. 38, 255; 1989 a. 77; 1991 a. 89; 1993 a. 373; 1995 a. 118; 1997 a. 39; 1999 a. 15; 2001 a. 43.

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2556/P2ins  
JTK.....

INS 9-20:

✓  
108.06 (7) (a) <sup>Except</sup> ~~claimant~~ <sup>Except as provided in par. (c) and (d), a</sup> claimant who is otherwise eligible for benefits and who is currently enrolled in and making satisfactory progress in a training program <sup>at the same benefit rate that applied to</sup> specified in s. 108.04 (16) is eligible for additional benefits of up to 26 weeks <sup>while the claimant's</sup> in training, provided that the claimant: <sup>next</sup>

1. Has exhausted all rights to regular benefits, federal emergency <sup>recent</sup> compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and <sup>benefit</sup> extended benefits under s. 108.141; <sup>year</sup>

2. <sup>✓</sup> Except as provided in par. (b), <sup>✓</sup> has qualified for and received benefits under this subsection <sup>✓</sup> for the first time <sup>✓</sup> prior to the end of the claimant's current benefit year established with respect to the separation under subd. <sup>4.</sup> (6); <sup>✓</sup>

3. Is not receiving any stipends or training allowances for nontraining costs; <sup>✓</sup>

4. Has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employing unit; and <sup>✓</sup>

5. Is being trained for entry into a high-demand occupation. <sup>✓</sup>

(b) A claimant who is otherwise eligible for benefits <sup>under par. (a)</sup> and whose benefit year ends in <sup>✓</sup> a week in which benefits are payable in this state under s. 108.141 <sup>✓</sup> or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar state or federal program of additional benefits, is eligible for benefits under this subsection <sup>✓</sup> if the claimant has qualified for and received benefits under this subsection <sup>✓</sup> for the first time within 52 weeks after the end of the claimant's benefit year established with respect to the separation under <sup>4.</sup> subd. (6); <sup>✓</sup>

par. (a)

(c) No benefits may be paid to a claimant under this subsection for weeks beginning more than 52 weeks after the first week in which the claimant received benefits under this subsection.✓

(d) Any benefits paid to a claimant under this subsection✓ may be reduced as provided in s. 108.05 (3).✓

(e) The occupations that qualify as declining or high-demand for purposes of this subsection shall be determined by the department.✓

WS 10-12.1

Section #. 108.04 (16) (a) of the statutes is amended to read:

to which a claimant is entitled under this subsection

108.04 (16) (a) The department shall not reduce benefits under sub (1) (a) 1., or deny benefits under sub (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to any otherwise eligible individual for any week as a result of the individual's enrollment in a course of ~~training~~ training or basic education which is a prerequisite to such training, provided the department determines that:

1. The course is expected to increase the individual's opportunities to obtain employment;
2. The training is given by a school established under s. 38.02 or other training institution approved by the department;
3. The individual is enrolled full time as determined by the training institution;
4. The course does not grant substantial credit leading to a bachelor's or higher degree; and
5. The individual is attending regularly and making satisfactory progress in the course. The department may require the training institution to file a certification showing the individual's attendance and progress.

History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59.

MS 10-12:2

~~Section #. 108.04 (16) (b) of the statutes is amended to read:~~

(g)

(g)

benefits

~~108.04 (16) (b)~~ The department shall not apply any benefit reduction or disqualification under ~~sub. (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g)~~ that is not the result of training or basic education under par. (a) while an individual is enrolled in a course of training or education that meets the standards specified in par. (f). *to a claimant receiving benefits under this subsection*

History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59.

TS 10-12.3

Section #. 108.04 (16) (c) of the statutes is amended to read:

(h)

who is entitled to receive benefits under this subsection

~~108.04 (16) (c)~~ If an individual is enrolled in an a program administered by the department for the training of unemployed workers that was in existence on October 1, 2003, other than the Youth Apprenticeship Program under s. 106.13 or a plan for training of youth approved under 29 USC 2822, then notwithstanding any failure of the program to meet the standards specified in par. (a):

1. The department shall not reduce benefits under ~~sub~~ (1) (a) 1. or deny benefits under ~~sub~~ (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to an otherwise eligible individual as a result of the individual's enrollment in such training; and

2. The department shall not apply any benefit reduction or disqualification under ~~sub~~ (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of the training while the individual is enrolled in the training.

History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59.

JWS 10-12:4

Section #. 108.04 (16) (d) of the statutes is amended to read:

- (i) <sup>benefits</sup> who is entitled to receive benefits under this subsection ✓
- ~~108.04 (16) (d)~~ If an individual is enrolled under the plan of any state for training under 19 USC 2296 or a plan for training of dislocated workers approved under 29 USC 2822:
1. The department shall not deny benefits <sup>to the individual</sup> under ~~sub. (7)~~ <sup>S. 108.04 (7) ✓</sup> as a result of the individual's leaving unsuitable work to enter or continue such training; and ✓
  2. The requalifying requirements under ~~sub. (7) and (8)~~ <sup>S. 108.04 ✓</sup> do not apply while the individual is enrolled in such training. ✓

History: 1971 c. 40, 42, 53, 211; 1973 c. 247; 1975 c. 24, 343; 1977 c. 127, 133, 286, 418; 1979 c. 52, 176; 1981 c. 28, 36, 315, 391; 1983 a. 8, 27, 99, 168; 1983 a. 189 s. 329 (28); 1983 a. 337, 384, 468, 538; 1985 a. 17, 29, 40; 1987 a. 38 ss. 23 to 59, 107, 136; 1987 a. 255, 287, 403; 1989 a. 77; 1991 a. 89; 1993 a. 112, 122, 373, 492; 1995 a. 118, 417, 448; 1997 a. 35, 39; 1999 a. 9, 15, 83; 2001 a. 35; 2003 a. 197; 2005 a. 86; 2007 a. 59.

INS 10-1215

✓  
Section #. 108.14 (8n) (e) of the statutes is amended to read:

108.14 (8n) (e) The department shall charge this state's share of any benefits paid under this subsection to the account of each employer by which the employee claiming benefits was employed in the applicable base period, in proportion to the total amount of wages he or she earned from each employer in the base period, except that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or (q), (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8)~~ <sup>↓ 2/5/09 (4)</sup> would have applied to employment by such an employer who is subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on employment with that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied to an employer that is not subject to the contribution requirements of ss. 108.17 and 108.18, the department shall charge the share of benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state. ✓

History: 1971 c. 53; 1973 c. 90 s. 559; 1973 c. 247; 1975 c. 343; 1977 c. 29, 133; 1977 c. 196 s. 131; 1977 c. 272 s. 98; 1979 c. 34 s. 2102 (25) (a); 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 36 ss. 18, 45; 1983 a. 8 s. 54; 1983 a. 189 s. 329 (28); 1983 a. 388; 1985 a. 17; 1985 a. 29 ss. 1664 to 1668, 3202 (29); 1985 a. 332; 1987 a. 38, 255; 1989 a. 77, 139, 303, 359; 1991 a. 89; 1993 a. 373, 490, 492; 1995 a. 27, 118, 225; 1997 a. 39; 1999 a. 83; 2001 a. 35, 105; 2003 a. 197.



Jul 13-12

Section #. 108.141 (7) of the statutes is amended to read:

108.141 (7) ~~CHARGES OF BENEFITS~~ (a) The department shall charge the state's share of each week of extended benefits to each employer's account in proportion to the employer's share of the total wages of the employee receiving the benefits in the employee's base period, except that if the employer is subject to the contribution requirements of ss. 108.17 and 108.18 the department shall charge the share of extended benefits to which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), ~~(p) or (q)~~, <sup>(5) or (7)</sup> (7m) or (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

(b) The department shall charge the full amount of extended benefits based on employment for a government unit to the account of the government unit, except that if s. 108.04 (5) or (7) applies and the government unit has elected contribution financing the department shall charge one-half of the government unit's share of the benefits to the fund's balancing account.

(c) The department shall charge the full amount of extended benefits based upon employment for an Indian tribe to the account of the Indian tribe.

History: 1971 c. 53; 1973 c. 247; 1975 c. 1, 343; 1977 c. 29, 133, 418; 1979 c. 52; 1981 c. 36 ss. 19 to 32, 45; 1981 c. 315, 390; 1983 a. 8 ss. 28 to 33, 53, 55 (3), (14) and (15) and 56; 1983 a. 27 ss. 1400g and 1807m; 1983 a. 189 ss. 162, 329 (28); 1985 a. 17; 1987 a. 38; 1991 a. 39, 89, 189, 269; 1993 a. 184, 373, 492; 1995 a. 27 ss. 3780, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 35, 39; 2001 a. 35; 2009 a. 1.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2556/P2 P3  
JTK:nwn:jf&md

DOA:.....Weidner, ARRA - Unemployment insurance eligibility; extended benefits

**FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION**

Changes for the /P3 version are contained in the previous version of this draft.

1     **AN ACT** *to repeal* 108.04 (7) (s) 2. c.; *to amend* 108.04 (7) (c), 108.04 (7) (h), 108.04  
2         (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and  
3         (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2. and 108.141 (7) (a); **to**  
4         **repeal and recreate** 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and  
5         108.141 (5); and **to create** 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06  
6         (7), 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:**  
7         eligibility for unemployment insurance benefits and payment of extended  
8         benefits.

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***Analysis by the Legislative Reference Bureau***

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks

have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

#### ***Approved training in high-demand occupations***

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in and making satisfactory progress in an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, and is not receiving any stipends or training allowances for nontraining costs is entitled to an additional benefits of up to 26 weeks at the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

#### **PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to

receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin a benefit year before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 108.04 (7) (c) of the statutes is amended to read:

2           108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
3           the employee terminated his or her work but had no reasonable alternative because  
4           the employee was unable to do his or her work or that the employee terminated his  
5           or her work because of the health verified illness or disability of a member of his or  
6           her immediate family and the verified illness or disability reasonably necessitates  
7           the care of the family member for a period of time that is longer than the employer  
8           is willing to grant leave; but if the department determines that the employee is  
9           unable to work or unavailable for work, the employee is ineligible to receive benefits  
10          while such inability or unavailability continues.

11          **SECTION 2.** 108.04 (7) (h) of the statutes is amended to read:

12          108.04 (7) (h) The department shall charge to the fund's balancing account  
13          benefits paid to an employee that are otherwise chargeable to the account of an

1 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
2 if the employee voluntarily terminates employment with that employer and par. (a),  
3 (c), (d), (e), (k), (L), (o), (p), (q), ~~or (s), or (t)~~ applies.

4 **SECTION 3.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

5 108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
6 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
7 or adult household member against another family or household member; by an  
8 adult person against his or her spouse or former spouse; ~~or by an adult person against~~  
9 a person with whom the person has a child in common; or by an adult person against  
10 an unrelated adult person with whom the person has had a personal relationship.

11 b. "Family member" means a spouse, parent, child or person related by  
12 ~~consanguinity~~ blood or adoption to another person.

13 **SECTION 4.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

14 108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
15 180.1901 (1m).

16 d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
17 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

18 e. "Protective order" means a temporary restraining order or an injunction  
19 issued by a court of competent jurisdiction.

20 **SECTION 5.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

21 108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
22 about personal safety or harassment, concerns about the safety or harassment of his  
23 or her family members who reside with the employee or concerns about the safety or  
24 harassment of other household members; and

25 **SECTION 6.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

1       108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
2       domestic abuse or concerns about personal safety or harassment issued by a court  
3       of competent jurisdiction, a report by a law enforcement agency documenting the  
4       domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
5       by a health care professional or an employee of a domestic violence shelter.

6       **SECTION 7.** 108.04 (7) (s) 2. c. of the statutes is repealed.

7       **SECTION 8.** 108.04 (7) (t) of the statutes is created to read:

8       108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
9       the employee's spouse changed his or her place of employment to a place to which it  
10      is impractical to commute and the employee terminated his or her work to  
11      accompany the spouse to that place.

12      **SECTION 9.** 108.06 (1) of the statutes is amended to read:

13      108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
14      108.142, no claimant may receive total benefits based on employment in a base  
15      period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
16      or 40% of the claimant's base period wages, whichever is lower. Except as provided  
17      in sub. (6) and ss. 108.141 and 108.142, if a claimant's base period wages are reduced  
18      or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1) (f), (10) (a),  
19      or (17), the claimant may not receive total benefits based on employment in a base  
20      period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
21      or 40% of the base period wages not reduced, canceled or suspended which were paid  
22      or payable to the claimant, whichever is lower.

23      **SECTION 10.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
24      amended to read:

1           108.06 (2) (c) No benefits are payable to a claimant for any week of  
2           unemployment not occurring during the claimant's benefit year except under sub. (7)  
3           and ss. 108.141 and 108.142.

4           (cm) If an employee qualifies to receive benefits using the base period described  
5           in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
6           not available for use in any subsequent benefit computation for the same employee,  
7           except under sub. (7) and s. 108.141 or 108.142.

8           (3) There shall be payable to an employee, for weeks ending within the  
9           employee's benefit year, only those benefits computed for that benefit year based on  
10          the wages paid to the employee in the immediately preceding base period. Wages  
11          used in a given benefit computation are not available for use in any subsequent  
12          benefit computation except under sub. (7) and s. 108.141.

13          (6)(intro.) If a claimant has established a benefit year prior to the effective date  
14          of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
15          claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
16          benefit year on that effective date, and the claimant was entitled to receive the  
17          maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
18          effective date, the limitation on the total benefits authorized to be paid to a claimant  
19          under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
20          or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
21          benefit year for the period beginning on that effective date shall be computed by:

22          **SECTION 11.** 108.06 (7) of the statutes is created to read:

23          108.06 (7) (a) Except as provided in pars. (c) and (d), a claimant who is  
24          otherwise eligible for benefits and who is currently enrolled in and making

1     satisfactory progress in a training program specified in s. 108.04 (16) is eligible for  
2     additional benefits of up to 26 weeks while in training, provided that the claimant:

3         1. Has exhausted all rights to regular benefits, federal emergency  
4     compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and  
5     extended benefits under s. 108.141;

6         2. Except as provided in par. (b), has qualified for and received benefits under  
7     this subsection for the first time prior to the end of the claimant's current benefit year  
8     established with respect to the separation under subd. 4.;

9         3. Is not receiving any stipends or training allowances for nontraining costs;

10        4. Has been separated from employment in a declining occupation or  
11     involuntarily separated from employment as a result of a permanent reduction in  
12     operations by his or her employing unit; and

13        5. Is being trained for entry into a high-demand occupation.

14        (b) A claimant who is otherwise eligible for benefits and whose benefit year  
15     ends in a week in which benefits are payable in this state under s. 108.141 or  
16     108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar state or  
17     federal program of additional benefits, is eligible for benefits under this subsection  
18     if the claimant has qualified for and received benefits under this subsection for the  
19     first time within 52 weeks after the end of the claimant's benefit year established  
20     with respect to the separation under par. (a) 4.

21        (c) No benefits may be paid to a claimant under this subsection for weeks  
22     beginning more than 52 weeks after the first week in which the claimant received  
23     benefits under this subsection.

24        (d) Any benefits paid to a claimant under this subsection may be reduced as  
25     provided in s. 108.05 (3).



1 (e) The occupations that qualify as declining or high-demand for purposes of  
2 this subsection shall be determined by the department.

3 (f) The department shall not reduce benefits to which a claimant is entitled  
4 under this subsection under s. 108.04 (1) (a) 1., or deny benefits to such a claimant  
5 under s. 108.04 (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to any otherwise eligible  
6 individual for any week as a result of the individual's enrollment in a course of  
7 training specified in s. 108.04 (16) or basic education which is a prerequisite to such  
8 training, provided the department determines that:

9 1. The course is expected to increase the individual's opportunities to obtain  
10 employment;

11 2. The training is given by a school established under s. 38.02 or other training  
12 institution approved by the department;

13 3. The individual is enrolled full time as determined by the training institution;

14 4. The course does not grant substantial credit leading to a bachelor's or higher  
15 degree; and

16 5. The individual is attending regularly and making satisfactory progress in  
17 the course. The department may require the training institution to file a certification  
18 showing the individual's attendance and progress.

19 (g) The department shall not apply any benefit reduction or disqualification  
20 under s. 108.04 (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of  
21 training or basic education under par. (a) while an individual is enrolled in a course  
22 of training or education that meets the standards specified in par. (f).

23 (h) If an individual who is entitled to receive benefits under this subsection is  
24 enrolled in an a program administered by the department for the training of  
25 unemployed workers that was in existence on October 1, 2003, other than the Youth

1 Apprenticeship Program under s. 106.13 or a plan for training of youth approved  
2 under 29 USC 2822, then notwithstanding any failure of the program to meet the  
3 standards specified in par. (f):

4 1. The department shall not reduce benefits under s. 108.04 (1) (a) 1. or deny  
5 benefits under s. 108.04 (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to an otherwise  
6 eligible individual as a result of the individual's enrollment in such training; and

7 2. The department shall not apply any benefit reduction or disqualification  
8 under s. 108.04 (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of the  
9 training while the individual is enrolled in the training.

10 (i) If an individual who is entitled to receive benefits under this subsection is  
11 enrolled under the plan of any state for training under 19 USC 2296 or a plan for  
12 training of dislocated workers approved under 29 USC 2822:

13 1. The department shall not deny benefits to the individual under s. 108.04 (7)  
14 as a result of the individual's leaving unsuitable work to enter or continue such  
15 training; and

16 2. The requalifying requirements under s. 108.04 (7) and (8) do not apply while  
17 the individual is enrolled in such training.

18 **SECTION 12.** 108.14 (8n) (e) of the statutes is amended to read:

19 108.14 **(8n)** (e) The department shall charge this state's share of any benefits  
20 paid under this subsection to the account of each employer by which the employee  
21 claiming benefits was employed in the applicable base period, in proportion to the  
22 total amount of wages he or she earned from each employer in the base period, except  
23 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
24 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an  
25 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,

1 the department shall charge the share of benefits based on employment with that  
2 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
3 would have applied to an employer that is not subject to the contribution  
4 requirements of ss. 108.17 and 108.18, the department shall charge the share of  
5 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
6 department shall also charge the fund's balancing account with any other state's  
7 share of such benefits pending reimbursement by that state.

8 **SECTION 13.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

9 108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
10 of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an  
11 extended benefit period and, if the individual's benefit year ends within ~~such~~ that  
12 extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such  
13 a period. For weeks of unemployment beginning on or after February 17, 2009, and  
14 ending before June 1, 2010, or the last week for which federal sharing is authorized  
15 by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
16 "eligibility period" also means the period consisting of each week during which an  
17 individual is eligible for emergency unemployment compensation under P.L.  
18 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in  
19 an extended benefit period or if an individual's eligibility for benefits under P.L.  
20 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
21 benefit period, each week thereafter which begins in that extended benefit period.

22 (b) 2. His or her benefit year having expired in the extended benefit period and  
23 prior to such week, lacks base period wages on the basis of which he or she could  
24 establish a benefit year under s. 108.06; ~~and~~ or

25 **SECTION 14.** 108.141 (1) (b) 2m. of the statutes is created to read:

1           108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
2           2009, and ending before June 1, 2010, or with the last week for which federal sharing  
3           is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
4           whichever is later, has exhausted federal emergency unemployment compensation  
5           under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
6           extended benefit period that began in a week during or before which the individual  
7           has exhausted that emergency unemployment compensation; and

8           **SECTION 15.** 108.141 (1) (dm) of the statutes is created to read:

9           108.141 (1) (dm) "High unemployment period" means a period during which  
10          an extended benefit period would be in effect if par. (f) 3. a. were applied by  
11          substituting an average rate of total unemployment that equals or exceeds 8 percent.

12          **SECTION 16.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
13          1, is repealed and recreated to read:

14          108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
15          consisting of that week and the immediately preceding 12 weeks, there is not a  
16          Wisconsin "on" indicator.

17          **SECTION 17.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

18          108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

19           1. The rate of insured unemployment for the period consisting of that week and  
20          the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
21          of such rates for the corresponding 13-week period ending in each of the preceding  
22          2 calendar years, and equaled or exceeded 5 percent; or

23           2. The rate of insured unemployment for the period consisting of that week and  
24          the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
25          rate of insured unemployment in the 2 preceding calendar years; or

1       3. With respect to weeks of unemployment beginning on or after February 17,  
2       2009, and ending with the week ending 3 weeks prior to the last week in which  
3       federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
4       thereto:

5           a. The average rate of total unemployment, seasonally adjusted, as determined  
6       by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
7       for which data for all states are published before the close of that week equals or  
8       exceeds 6.5 percent; and

9           b. The average rate of total unemployment in this state, seasonally adjusted,  
10      as determined by the U.S. secretary of labor for the period consisting of the most  
11      recent 3 months for which data for all states are published before the close of that  
12      week equals or exceeds 110 percent of the average for either or both of the  
13      corresponding 3-month periods ending in the 2 preceding calendar years.

14      **SECTION 18.** 108.141 (5) of the statutes is repealed and recreated to read:

15      108.141 (5) TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.  
16      (b) and (c), the total extended benefit amount payable to an eligible individual in his  
17      or her benefit year is the least of the following amounts:

18           1. Fifty percent of the total amount of regular benefits that were payable to the  
19      individual in the individual's most recent benefit year rounded down to the nearest  
20      dollar, including benefits canceled under s. 108.04 (5); or

21           2. Thirteen times the individual's weekly benefit amount.

22           (b) The total extended benefit amount payable to an individual in his or her  
23      benefit year shall be reduced by the total amount of additional benefits paid or  
24      treated as paid under s. 108.142 for weeks of unemployment in the individual's

1 benefit year that began prior to the beginning of the extended benefit period that is  
2 in effect in the week in which the individual first claims extended benefits.

3 (c) Except as provided in par. (b), effective with respect to weeks beginning in  
4 a high unemployment period, the total extended benefit amount payable to an  
5 individual in his or her benefit year is the least of the following amounts:

6 1. Eighty percent of the total amount of regular benefits that were payable to  
7 the individual in the individual's most recent benefit year rounded down to the  
8 nearest dollar, including benefits canceled under s. 108.04 (5); or

9 2. Twenty times the individual's weekly benefit amount.

10 **SECTION 19.** 108.141 (7) (a) of the statutes is amended to read:

11 108.141 (7) (a) The department shall charge the state's share of each week of  
12 extended benefits to each employer's account in proportion to the employer's share  
13 of the total wages of the employee receiving the benefits in the employee's base  
14 period, except that if the employer is subject to the contribution requirements of ss.  
15 108.17 and 108.18 the department shall charge the share of extended benefits to  
16 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or  
17 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

18 **SECTION 20. Initial applicability.**

19 (1) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and  
20 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies  
21 with respect to terminations of employment occurring on the effective date of this  
22 subsection.

23 (2) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
24 of the statutes first applies with respect to weeks of unemployment beginning on the  
25 effective date of this subsection.

**1            SECTION 21. Effective date.**

2 (1) This act takes effect on the first Sunday after publication.

**3 (END)**

## Kuesel, Jeffery

---

**From:** Schwalbe, Tracey L - DWD [Tracey.Schwalbe@dwd.wisconsin.gov]  
**Sent:** Friday, April 17, 2009 1:49 PM  
**To:** Kuesel, Jeffery  
**Cc:** LaRocque, Daniel J - DWD  
**Subject:** LRB-2556/P3 comments

**Attachments:** Alternate approved training language 041709.doc

Hi Jeff,

Here are my comments on the draft P3:

- ✓ Analysis: Under approved training, the sentence regarding what the bill provides should state: "or training allowances for nontraining costs, is entitled to additional benefits of up to 26 times the same benefit rate that applied....."
- ✓ On the top of page 3, the sentence that begins "Under recent federal legislation..." the sentence should read "...and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010."
- X On page 3, line 5, take out the comma after "or her work"  
For initial applicability on p. 14, line 2, the approved training provisions should apply with respect to "benefit years" beginning on the effective date...  
*+ substitute 3 month delayed off date*
- ✓ For Section 11, please see the attached alternate language.



Alternate approved  
training la...

Please call me if you have any questions. Thank you.  
Tracey

*Tracey L. Schwalbe*

UI Research Attorney  
DWD - Unemployment Insurance Division  
201 E. Washington Avenue, Rm E313  
Madison, Wisconsin 53708



SECTION 11. 108.06 (7) of the statutes is created to read:

108.06 (7) (a) Except as provided in pars. (c) and (d), a claimant who is otherwise eligible for benefits and who is currently enrolled in a training program specified in s. 108.04 (16) is eligible while enrolled in training for additional benefits of up to 26 times the claimant's weekly benefit rate that applied to the claimant's most recent benefit year, provided that the claimant:

**Deleted:** and making satisfactory progress in

**Deleted:** weeks

**Deleted:** at the same benefit rate

**Deleted:** while in training

1. Has exhausted all rights to regular benefits, federal emergency compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and extended benefits under s. 108.141, or another similar state or federal program of additional benefits;

2. Except as provided in par. (b), is first enrolled in a training program within the claimant's applicable benefit year established with respect to the separation under subd.

**Deleted:** has qualified for and received benefits under this subsection for the first time prior to the end of

**Deleted:** current

4.;

3. Is not receiving any stipends or training allowances for nontraining costs;

4. Has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employing unit; and

5. Is being trained for entry into a high-demand occupation.

(b) A claimant who is otherwise eligible for benefits under par. (a) and whose applicable benefit year ends in a week in which benefits are payable in this state under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar state or federal program of additional benefits, also is eligible for benefits under this subsection if the claimant is first enrolled in a training program within 52 weeks after the end of the claimant's applicable benefit year established with respect to the separation under par. (a)

**Deleted:** has qualified for and received benefits under this subsection for the first time

4.

(c) No benefits may be paid to a claimant under this subsection for weeks beginning more than 52 weeks after the first week for which the claimant received benefits under this subsection.

**Deleted:** in

(d) Any benefits paid to a claimant under this subsection may be reduced as provided in s. 108.05 (3).

(e) The occupations that qualify as declining or high-demand for purposes of this subsection shall be determined by the department.

(f) For purposes of this subsection, "applicable benefit year" means, with respect to an individual, the current benefit year if at the time an initial claim for benefits under this subsection is filed the individual has an unexpired benefit year, or, in any other case, the individual's most recent benefit year.

(g) For purposes of this subsection, a "training program" is any program of the type specified in s. 108.04 (16).

(h) The restrictions on benefit reductions and disqualifications in s. 108.04 (16) apply to claimants in approved training receiving benefits under this subsection.

**Formatted:** Font: (Default) Times New Roman

## Kuesel, Jeffery

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**From:** Schwalbe, Tracey L - DWD [Tracey.Schwalbe@dwd.wisconsin.gov]  
**Sent:** Friday, April 17, 2009 4:30 PM  
**To:** Kuesel, Jeffery  
**Cc:** LaRocque, Daniel J - DWD  
**Subject:** RE: LRB-2556/P3 comments

Jeff,

These are the other changes I referred to:

108.06 (7) (a) Except as provided in pars. (c) and (d), a claimant who is otherwise eligible for benefits and who is currently enrolled in a training program specified in s. 108.04 (16) is eligible while enrolled in training ~~for additional benefits of up to 26 times the claimant's weekly benefit rate that applied to the claimant's most recent benefit year~~, provided that the claimant:

Create:

(x) The weekly benefit rate payable to an individual under this subsection for a week of total unemployment is an amount equal to the most recent weekly benefit rate in the claimant's applicable benefit year determined under s. 108.05(1).

(x) No claimant may receive total benefits under this subsection greater than 26 times the claimant's weekly benefit rate that applied to the claimant's applicable benefit year.

Also, I talked with Dan regarding the charging and he agreed that the generic provision should be included. For the applicability date of the approved training provision, it should be tied to "weeks of unemployment" beginning the first Sunday that is 3 months after the date of enactment.

Please call me if you have any questions. Thanks.

Tracey

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**From:** Kuesel, Jeffery [mailto:Jeffery.Kuesel@legis.wisconsin.gov]  
**Sent:** Friday, April 17, 2009 3:02 PM  
**To:** Schwalbe, Tracey L - DWD  
**Cc:** LaRocque, Daniel J - DWD  
**Subject:** RE: LRB-2556/P3 comments

Tracey,

I am now out of my meeting and will deal with the changes. I will call within the hour if I have questions.

Jeff Kuesel

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**From:** Schwalbe, Tracey L - DWD [mailto:Tracey.Schwalbe@dwd.wisconsin.gov]  
**Sent:** Friday, April 17, 2009 1:49 PM  
**To:** Kuesel, Jeffery  
**Cc:** LaRocque, Daniel J - DWD  
**Subject:** LRB-2556/P3 comments

Hi Jeff,

Here are my comments on the draft P3:

Analysis: Under approved training, the sentence regarding what the bill provides should state: "or training allowances for nontraining costs, is entitled to additional benefits of up to 26 times the same benefit rate that applied....."

On the top of page 3, the sentence that begins "Under recent federal legislation..." the sentence should read "...and, for claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010."

On page 3, line 5, take out the comma after "or her work"

For initial applicability on p. 14, line 2, the approved training provisions should apply with respect to "benefit years" beginning on the effective date...

For Section 11, please see the attached alternate language.

<< File: Alternate approved training language 041709.doc >>

Please call me if you have any questions. Thank you.

Tracey

*Tracey L. Schwalbe*

UI Research Attorney

DWD - Unemployment Insurance Division

201 E. Washington Avenue, Rm E313

Madison, Wisconsin 53708



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2556/PS  
JTK:nwn:jf&md

2

File 4/17

↓  
kjf

DOA:.....Weidner, ARRA - Unemployment insurance eligibility; extended benefits

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

Regen

1 AN ACT *to repeal* 108.04 (7) (s) 2. c.; *to amend* 108.04 (7) (c), 108.04 (7) (h), 108.04  
2 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and  
3 (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2. and 108.141 (7) (a); *to*  
4 *repeal and recreate* 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and  
5 108.141 (5); and *to create* 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06  
6 (7), 108.141 (1) (b) 2m. and 108.141 (1) (dm) of the statutes; **relating to:**  
7 eligibility for unemployment insurance benefits and payment of extended  
8 benefits.

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***Analysis by the Legislative Reference Bureau***

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

**BENEFIT ELIGIBILITY**

***Voluntary termination of employment***

Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks

have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

#### ***Approved training in high-demand occupations***

Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in and making satisfactory progress in an approved training program under current law prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, and is not receiving any stipends or training allowances for nontraining costs is entitled to an additional benefits of up to 26 weeks at the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation.

#### **PAYMENT OF EXTENDED BENEFITS**

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to

similar

other  
times

an  
an  
extended  
benefit  
claim

receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for claimants who begin a benefit year before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 108.04 (7) (c) of the statutes is amended to read:

2           108.04 (7) (c) Paragraph (a) does not apply if the department determines that  
3           the employee terminated his or her work but had no reasonable alternative because  
4           the employee was unable to do his or her work, or that the employee terminated his  
5           or her work because of the health verified illness or disability of a member of his or  
6           her immediate family and the verified illness or disability reasonably necessitates  
7           the care of the family member for a period of time that is longer than the employer  
8           is willing to grant leave; but if the department determines that the employee is  
9           unable to work or unavailable for work, the employee is ineligible to receive benefits  
10          while such inability or unavailability continues.

11          SECTION 2. 108.04 (7) (h) of the statutes is amended to read:

12          108.04 (7) (h) The department shall charge to the fund's balancing account  
13          benefits paid to an employee that are otherwise chargeable to the account of an

1 employer that is subject to the contribution requirements of ss. 108.17 and 108.18  
2 if the employee voluntarily terminates employment with that employer and par. (a),  
3 (c), (d), (e), (k), (L), (o), (p), (q), ~~or~~ (s), or (t) applies.

4 **SECTION 3.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

5 108.04 (7) (s) 1. a. "Domestic abuse" means physical abuse, including a  
6 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family  
7 or adult household member against another family or household member; by an  
8 adult person against his or her spouse or former spouse; ~~or~~ by an adult person against  
9 a person with whom the person has a child in common; or by an adult person against  
10 an unrelated adult person with whom the person has had a personal relationship.

11 b. "Family member" means a spouse, parent, child or person related by  
12 ~~consanguinity~~ blood or adoption to another person.

13 **SECTION 4.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

14 108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s.  
15 180.1901 (1m).

16 d. "Law enforcement agency" has the meaning given in s. 165.83 (1) (b) and  
17 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

18 e. "Protective order" means a temporary restraining order or an injunction  
19 issued by a court of competent jurisdiction.

20 **SECTION 5.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

21 108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns  
22 about personal safety or harassment, concerns about the safety or harassment of his  
23 or her family members who reside with the employee or concerns about the safety or  
24 harassment of other household members; and

25 **SECTION 6.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

1       108.04 (7) (s) 2. b. Provides to the department a protective order relating to the  
2       domestic abuse or concerns about personal safety or harassment issued by a court  
3       of competent jurisdiction, a report by a law enforcement agency documenting the  
4       domestic abuse or concerns, or evidence of the domestic abuse or concerns provided  
5       by a health care professional or an employee of a domestic violence shelter.

6       **SECTION 7.** 108.04 (7) (s) 2. c. of the statutes is repealed.

7       **SECTION 8.** 108.04 (7) (t) of the statutes is created to read:

8       108.04 (7) (t) Paragraph (a) does not apply if the department determines that  
9       the employee's spouse changed his or her place of employment to a place to which it  
10      is impractical to commute and the employee terminated his or her work to  
11      accompany the spouse to that place.

12      **SECTION 9.** 108.06 (1) of the statutes is amended to read:

13      108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and  
14      108.142, no claimant may receive total benefits based on employment in a base  
15      period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)  
16      or 40% of the claimant's base period wages, whichever is lower. Except as provided  
17      in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages  
18      are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)  
19      (f), (10) (a), or (17), the claimant may not receive total benefits based on employment  
20      in a base period greater than 26 times the claimant's weekly benefit rate under s.  
21      108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which  
22      were paid or payable to the claimant, whichever is lower.

23      **SECTION 10.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are  
24      amended to read:



## SECTION 10

1 108.06 (2) (c) No benefits are payable to a claimant for any week of  
2 unemployment not occurring during the claimant's benefit year except under sub. (7)  
3 and ss. 108.141 and 108.142.

4 (cm) If an employee qualifies to receive benefits using the base period described  
5 in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are  
6 not available for use in any subsequent benefit computation for the same employee,  
7 except under sub. (7) and s. 108.141 or 108.142.

8 (3) There shall be payable to an employee, for weeks ending within the  
9 employee's benefit year, only those benefits computed for that benefit year based on  
10 the wages paid to the employee in the immediately preceding base period. Wages  
11 used in a given benefit computation are not available for use in any subsequent  
12 benefit computation except under sub. (7) and s. 108.141.

13 (6) (intro.) If a claimant has established a benefit year prior to the effective date  
14 of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the  
15 claimant has not exhausted his or her total benefit entitlement under sub. (1) for that  
16 benefit year on that effective date, and the claimant was entitled to receive the  
17 maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that  
18 effective date, the limitation on the total benefits authorized to be paid to a claimant  
19 under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)  
20 or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that  
21 benefit year for the period beginning on that effective date shall be computed by:

22 SECTION 11. 108.06 (7) of the statutes is created to read:

23 108.06 (7) <sup>(f) and (g)</sup> ~~(a) and (b)~~ Except as provided in pars. <sup>(f) and (g)</sup> ~~(a) and (b)~~ a claimant who is  
24 otherwise eligible for benefits and who is currently enrolled in and making  
25 satisfactory progress in a training program specified in s. 108.04 (16) while enrolled in that training program is eligible for

*under this subsection*  
 1 additional benefits of up to 26 weeks at the same benefit rate that applied to the  
 2 claimant's most recent benefit year ~~while in training~~ provided that the claimant:

3 1. Has exhausted all rights to regular benefits, federal emergency  
 4 compensation benefits under P.L. 110-252 and P.L. 110-449, as amended, and  
 5 extended benefits under s. 108.141 *or any other similar state or federal program of additional benefits*

6 2. Except as provided in par. (e) *has qualified for and received benefits under*  
 7 *this subsection for the first time prior to the end of the claimant's current benefit year*  
 8 *Program within* established with respect to the separation under subd. 4.; *based on*  
 9 *similar other*

10 3. Is not receiving any stipends or training allowances for nontraining costs;  
 11 4. Has been separated from employment in a declining occupation or  
 12 involuntarily separated from employment as a result of a permanent reduction in  
 13 operations by his or her employing unit; and *applicable benefit year*

14 5. Is being trained for entry into a high-demand occupation.

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 15 (e) A claimant who is otherwise eligible for benefits under par. (a) and whose  
 16 benefit year ends in a week in which benefits are payable in this state under s.  
 17 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another similar  
 18 state or federal program of additional benefits, *also* is eligible for benefits under this  
 19 subsection if the claimant *is first enrolled in a training program*  
 20 *has qualified for and received benefits under this* subsection for the first time within 52 weeks after the end of the claimant's benefit  
 21 year established with respect to the separation under par. (a) 4. *based on*

22 (f) No benefits may be paid to a claimant under this subsection for weeks  
 23 beginning more than 52 weeks after the first week *for* in which the claimant received  
 24 benefits under this subsection.

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 25 (g) Any benefits paid to a claimant under this subsection may be reduced as  
 provided in s. 108.05 (3).

1 (h) The occupations that qualify as declining or high-demand for purposes of  
2 this subsection shall be determined by the department.

3 (f) The department shall not reduce benefits to which a claimant is entitled  
4 under this subsection under s. 108.04 (1) (a) 1., or deny benefits to such a claimant  
5 under s. 108.04 (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to any otherwise eligible  
6 individual for any week as a result of the individual's enrollment in a course of  
7 training specified in s. 108.04 (16) or basic education which is a prerequisite to such  
8 training, provided the department determines that:

9 1. The course is expected to increase the individual's opportunities to obtain  
10 employment;

11 2. The training is given by a school established under s. 38.02 or other training  
12 institution approved by the department;

13 3. The individual is enrolled full time as determined by the training institution;

14 4. The course does not grant substantial credit leading to a bachelor's or higher  
15 degree; and

16 5. The individual is attending regularly and making satisfactory progress in  
17 the course. The department may require the training institution to file a certification  
18 showing the individual's attendance and progress.

19 (g) The department shall not apply any benefit reduction or disqualification  
20 under s. 108.04 (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) to a claimant receiving  
21 benefits under this subsection that is not the result of training or basic education  
22 under par. (a) while an individual is enrolled in a course of training or education that  
23 meets the standards specified in par. (f).

24 (h) If an individual who is entitled to receive benefits under this subsection is  
25 enrolled in an a program administered by the department for the training of

1 unemployed workers that was in existence on October 1, 2003, other than the Youth  
2 Apprenticeship Program under s. 106.13 or a plan for training of youth approved  
3 under 29 USC 2822, then notwithstanding any failure of the program to meet the  
4 standards specified in par. (f):

5 1. The department shall not reduce benefits under s. 108.04 (1) (a) 1. or deny  
6 benefits under s. 108.04 (1) (a) 2., (2) (a) or (d), or (8) or s. 108.141 (3g) to an otherwise  
7 eligible individual as a result of the individual's enrollment in such training; and

8 2. The department shall not apply any benefit reduction or disqualification  
9 under s. 108.04 (1) (b), (7) (c), or (8) (e) or s. 108.141 (3g) that is not the result of the  
10 training while the individual is enrolled in the training.

11 (i) If an individual who is entitled to receive benefits under this subsection is  
12 enrolled under the plan of any state for training under 19 USC 2296 or a plan for  
13 training of dislocated workers approved under 29 USC 2822:

14 1. The department shall not deny benefits to the individual under s. 108.04 (7)  
15 as a result of the individual's leaving unsuitable work to enter or continue such  
16 training; and

17 2. The requalifying requirements under s. 108.04 (7) and (8) do not apply while  
18 the individual is enrolled in such training.

19 **SECTION 12.** 108.14 (8n) (e) of the statutes is amended to read:

20 108.14 (8n) (e) The department shall charge this state's share of any benefits  
21 paid under this subsection to the account of each employer by which the employee  
22 claiming benefits was employed in the applicable base period, in proportion to the  
23 total amount of wages he or she earned from each employer in the base period, except  
24 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) or (q), (s), or (t), (7m) or  
25 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an

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1 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,  
2 the department shall charge the share of benefits based on employment with that  
3 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)  
4 would have applied to an employer that is not subject to the contribution  
5 requirements of ss. 108.17 and 108.18, the department shall charge the share of  
6 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The  
7 department shall also charge the fund's balancing account with any other state's  
8 share of such benefits pending reimbursement by that state.

9 **SECTION 13.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

10 108.141 (1) (a) "Eligibility period" of an individual means the period consisting  
11 of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an  
12 extended benefit period and, if the individual's benefit year ends within ~~such~~ that  
13 extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such  
14 a period. For weeks of unemployment beginning on or after February 17, 2009, and  
15 ending before June 1, 2010, or the last week for which federal sharing is authorized  
16 by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,  
17 "eligibility period" also means the period consisting of each week during which an  
18 individual is eligible for emergency unemployment compensation under P.L.  
19 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in  
20 an extended benefit period or if an individual's eligibility for benefits under P.L.  
21 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended  
22 benefit period, each week thereafter which begins in that extended benefit period.

23 (b) 2. His or her benefit year having expired in the extended benefit period and  
24 prior to such week, lacks base period wages on the basis of which he or she could  
25 establish a benefit year under s. 108.06; ~~and or~~

1           **SECTION 14.** 108.141 (1) (b) 2m. of the statutes is created to read:

2           108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,  
3           2009, and ending before June 1, 2010, or with the last week for which federal sharing  
4           is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,  
5           whichever is later, has exhausted federal emergency unemployment compensation  
6           under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an  
7           extended benefit period that began in a week during or before which the individual  
8           has exhausted that emergency unemployment compensation; and

9           **SECTION 15.** 108.141 (1) (dm) of the statutes is created to read:

10          108.141 (1) (dm) "High unemployment period" means a period during which  
11          an extended benefit period would be in effect if par. (f) 3. a. were applied by  
12          substituting an average rate of total unemployment that equals or exceeds 8 percent.

13          **SECTION 16.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act  
14          1, is repealed and recreated to read:

15          108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period  
16          consisting of that week and the immediately preceding 12 weeks, there is not a  
17          Wisconsin "on" indicator.

18          **SECTION 17.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

19          108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

20          1. The rate of insured unemployment for the period consisting of that week and  
21          the immediately preceding 12 weeks equaled or exceeded 120 percent of the average  
22          of such rates for the corresponding 13-week period ending in each of the preceding  
23          2 calendar years, and equaled or exceeded 5 percent; or

1           2. The rate of insured unemployment for the period consisting of that week and  
2           the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the  
3           rate of insured unemployment in the 2 preceding calendar years; or

4           3. With respect to weeks of unemployment beginning on or after February 17,  
5           2009, and ending with the week ending 3 weeks prior to the last week in which  
6           federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments  
7           thereto:

8           a. The average rate of total unemployment, seasonally adjusted, as determined  
9           by the U.S. secretary of labor, for the period consisting of the most recent 3 months  
10          for which data for all states are published before the close of that week equals or  
11          exceeds 6.5 percent; and

12          b. The average rate of total unemployment in this state, seasonally adjusted,  
13          as determined by the U.S. secretary of labor for the period consisting of the most  
14          recent 3 months for which data for all states are published before the close of that  
15          week equals or exceeds 110 percent of the average for either or both of the  
16          corresponding 3-month periods ending in the 2 preceding calendar years.

17          **SECTION 18.** 108.141 (5) of the statutes is repealed and recreated to read:

18          108.141 (5) **TOTAL EXTENDED BENEFIT AMOUNT.** (a) Except as provided in pars.  
19          (b) and (c), the total extended benefit amount payable to an eligible individual in his  
20          or her benefit year is the least of the following amounts:

21               1. Fifty percent of the total amount of regular benefits that were payable to the  
22               individual in the individual's most recent benefit year rounded down to the nearest  
23               dollar, including benefits canceled under s. 108.04 (5); or

24               2. Thirteen times the individual's weekly benefit amount.

1 (b) The total extended benefit amount payable to an individual in his or her  
2 benefit year shall be reduced by the total amount of additional benefits paid or  
3 treated as paid under s. 108.142 for weeks of unemployment in the individual's  
4 benefit year that began prior to the beginning of the extended benefit period that is  
5 in effect in the week in which the individual first claims extended benefits.

6 (c) Except as provided in par. (b), effective with respect to weeks beginning in  
7 a high unemployment period, the total extended benefit amount payable to an  
8 individual in his or her benefit year is the least of the following amounts:

9 1. Eighty percent of the total amount of regular benefits that were payable to  
10 the individual in the individual's most recent benefit year rounded down to the  
11 nearest dollar, including benefits canceled under s. 108.04 (5); or

12 2. Twenty times the individual's weekly benefit amount.

13 **SECTION 19.** 108.141 (7) (a) of the statutes is amended to read:

14 108.141 (7) (a) The department shall charge the state's share of each week of  
15 extended benefits to each employer's account in proportion to the employer's share  
16 of the total wages of the employee receiving the benefits in the employee's base  
17 period, except that if the employer is subject to the contribution requirements of ss.  
18 108.17 and 108.18 the department shall charge the share of extended benefits to  
19 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~, (q), (s), or (t), (7m) or  
20 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

21 **SECTION 20. Initial applicability.**

22 (1) The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and  
23 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7) (a) of the statutes first applies  
24 with respect to terminations of employment occurring on the effective date of this  
25 subsection.



- 1 (2) The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7)  
2 of the statutes first applies with respect to weeks of unemployment beginning on the  
3 effective date of this subsection.

change  
component  
5  
6  
SECTION 21. Effective date<sup>3</sup>

~~14~~ This act takes effect on the first Sunday after publication, except as follows:

(1) The treatment of ~~sections~~ <sup>(108.06)</sup> 108.06<sup>v</sup> (1), (2) (c) and (cm),  
(3) (6) (intro.), and (7) of the statutes takes effect on  
the first Sunday following the 90th day after  
publication.

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

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INS 6-23:

*not* (a) In this subsection:

1. "Applicable benefit year" means, with respect to a claimant, the claimant's current benefit year if at the time an initial claim for benefits under this subsection is filed the claimant has an unexpired benefit year, or, in any other case, the claimant's most recent benefit year.

2. "Training program" means any program of a type specified in s. 108.04 (16).

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(c) The weekly benefit rate payable to a claimant under this subsection for a week of total unemployment is an amount equal to the most recent weekly benefit rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

(d) No claimant may receive total benefits under this subsection greater than 26 times the claimant's weekly benefit rate that applied to the claimant's applicable benefit year.

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(i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16) apply to a claimant in a training program who is entitled to receive benefits under this subsection.

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Section #. 108.142 (2) of the statutes is amended to read:

~~108.142 (2) EFFECT OF OTHER PROVISIONS OF THIS CHAPTER.~~ <sup>(g)</sup> Except when the result would be inconsistent with the other provisions of this <sup>subsection</sup> ~~section~~, the provisions of this chapter <sup>that</sup> ~~which~~ apply to claims for, or the payment of, regular benefits apply to claims for, and the payment of, ~~Wisconsin~~ <sup>supplemental</sup> ~~benefits~~ <sup>under this subsection</sup>.

History: 1983 a. 8, 27; 1983 a. 189 s. 329 (28); 1983 a. 384; 1987 a. 38; 1991 a. 39, 189, 269; 1995 a. 27, ss. 3781, 9130 (4); 1997 a. 3, 39; 2001 a. 43; 2009 a. 1.

JNS 9-18

~~Section #. 108.142 (6) of the statutes is amended to read:~~

*(j) The department shall charge benefits paid under this subsection*  
~~108.142 (6) CHARGES OF BENEFITS. Wisconsin supplemental benefits shall be charged in the same~~  
manner as provided for charging of regular benefits under s. 108.16 (2).

~~History: 1983 a. 8, 27; 1983 a. 189 s. 329 (28); 1983 a. 384; 1987 a. 38; 1991 a. 39, 189, 269; 1995 a. 27, ss. 3781, 9130 (4); 1997 a. 3, 39; 2001 a. 43; 2009 a. 1.~~